IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15672 of 2004

Between:

M/s.Mayuri Film Distributors, Begumpet, Hyderabad, rep. by its General Manager, Mr.G.Sudhakar.

..... PETITIONER

AND

1 The Commercial Tax officer, Begumpet Circle, Hyderabad.
2 The Appellate Deputy Commissioner (CT) Punjagutta Division, Hyderabad.
3 The Additional commissioner (CT) Legal, A.P.Nampally, Hyderabad.
4 The Commercial Tax officer, Saroornagar circle, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate wirt or order or direction setting aside the notice of the 4th respondent dated 23-8-2004 directing the petitioner to pay the disputed tax of Rs. 4,28,254/- & Rs.21,84,203/- for the assessment years 1999-2000 and 2000-01 within 3 days as arbitrary and unjustified and consequently restrain the 4th respondent from taking any coercive steps for recovery of disputed taxes pending disposal of the appeals before the sales Tax Appellate Tribunal.

For the Petitioner:MR.P.SRINIVASA REDDY, Advocate.

For the Respondent Nos.1 to 4 : GP FOR COMMERCIAL TAXES.

The Court at admission stage, made the following :

ORDER : (Per Sri Bilal Nazki, J)

Heard learned Counsel for the parties. With their consent, the Writ Petition is disposed of at this stage.

The only grievance of the petitioner is that coercive steps are being taken for recovery of disputed tax. The appeal filed by him is pending. He had also filed application seeking stay, which had been heard by the competent authority on 28.08.2004 and the order has been reserved. In the meantime, if he is forced to pay the amounts, the stay petition will become infructuous.

In these circumstances, we direct that no coercive steps shall be taken against the petitioner till orders are passed in stay petition, in which the arguments have already been heard.

Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

1st September, 2004.

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(S.ANANDA REDDY, J)

N.B:-

Wire at party's cost.

(B/o)

ajr

To

1 The Commercial Tax officer, Begumpet Circle, Hyderabad.
2 The Appellate Deputy Commissioner (CT) Punjagutta Division, Hyderabad.
3 The Additional commissioner (CT) Legal, A.P.Nampally, Hyderabad.
4 The Commercial Tax officer, Saroornagar circle, Hyderabad.

5 Two C.Cs. to the GP for Commercial Taxes, High Court buildings,

Hyderabad (O.U.T)

6 Two C.D. copies.